

REMARKS

A. Background

Claims 11-22 and 32-46 were pending. The Office Action rejected claims 13, 14, 21, 22, 45, and 45 under 35 U.S.C. § 112, first paragraph, rejected claims 11-22, 38, 45 and 46 under 35 U.S.C. § 112, second paragraph, and rejected claims 11-18 and 32-42 in view of cited art. The Office Action also objected to claims 43 and 44 as being dependent upon a rejected base claim. By this response, Applicants amended claims 11-14, 21, 32, 33, 39, and 45. Accordingly, claims 11-22 and 32-46 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

Various claims were amended in view of the Office Action. In particular, claims 12, 13, 18, 21, 45 and 46 have been amended in view of the rejections under 35 U.S.C. § 112. Claim 38, which was rejected under 35 U.S.C. § 112, was not amended because antecedent basis support for the phrase "said panel" is found in independent claim 32, line 3, from which claim 38 depends. Applicants respectfully submit that the amendments to the claims are supported by the claims and specification as originally filed and do not introduce new matter. Applicants respectfully request entry of the amendments.

C. Rejections Under 35 U.S.C. § 102(b) and 103(a).

Claims 11-18 and 32-42 were rejected under (i) 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,562,272, issued to McAbee et al. (hereinafter "*McAbee*"), and (ii) 35 U.S.C. § 103(a) as being unpatentable over *McAbee*. Applicants respectfully traverse.

McAbee discloses splicers for aggregate construction forms (*Abstract*). The Office Action indicated that *McAbee* discloses "a panel 18 comprising at least one bracket 22, 24 mounted to each of said first end and said second end of said panel; a plurality of stakes 26 slidably cooperating with said plurality of forms when said hole, (of 22 and 24), of two adjacent forms of said plurality of forms align one with another" (Page 5) One particular embodiment of *McAbee* is a device "having hingedly interconnected channels" (Col. 3, lines 47-48). As illustrated in Figure 5, the "pair of channel members ... are interconnected at their respective first sidewalls by a hinge means" (Col. 4, lines 60-62). The channels have "a length sufficient to receive therein *abutting ends* of a pair of forms disposed in end-to-end relation to one another" (Col. 2, lines 38-40) (emphasis added).

In contrast, Applicants respectively submit that *McAbee* neither teaches nor suggests the system as claimed in independent claim 11 because *McAbee* neither teaches nor suggests "a first end bracket mounted to said first end, and a second end bracket mounted to said second end [of the form], each of said first end bracket and said second end bracket having a tubular portion . . . said tubular portion of said first end bracket extending from a top surface of said panel towards a bottom surface, while said tubular portion of said second end bracket extends from said bottom surface towards said top surface; . . . one stake of said plurality of stakes slidably cooperating with two adjacently positioned forms of said plurality of forms when said hole of said first end bracket of one form of said plurality of forms aligns with said hole of said second end bracket of another form of said plurality of forms" as claimed in independent claim 11. Similarly, *McAbee* neither teaches nor suggests the invention claimed in independent claims 32 and 39 because independent claims 32 and 39 recite, respectively "a first end bracket attached to said first end and a second end bracket attached to said second end, . . . said tubular portion of said first end

bracket extending from said first surface toward said second surface and terminating distal to said second surface and said tubular portion of said second end bracket extending from said second surface toward said first surface; . . . one stake of said plurality of stakes slidably cooperating with two adjacently positioned forms of said plurality of forms when said hole of said first end bracket of one form of said plurality of forms aligns with said hole of said second end bracket of another form of said plurality of forms" and "a first end bracket mounted to the first end and a second end bracket mounted to the second end, each said end bracket comprising a flange mounted to said panel and a stake receiving portion, said stake receiving portion of said first end bracket extending from a top portion of said panel toward a bottom portion and said stake receiving portion of said second end bracket extending from said bottom portion toward said top portion; . . . one stake of said plurality of stakes slidably cooperating with two adjacently positioned forms of said plurality of forms when said hole of said first end bracket of one form of said plurality of forms aligns with said hole of said second end bracket of another form of said plurality of forms."

Accordingly, it is respectfully submitted that independent claim 11, 32, and 39 as amended and presented herein, overcome the rejections based on Section 102 and 103. Further, since claims 12-22, 33-38, and 40-46 depend from independent claims 11, 32, and 39, respective, for the same reasons as above, claims 12-22, 33-38, and 40-46 are also neither taught nor suggested by *McAbee*.

D. Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

Dated this 21st day of September, 2006.

Respectfully submitted,

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